

**DECISION**

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

26468

**FILE:** B-213198**DATE:** October 11, 1983**MATTER OF:** Freedom Elevator Corporation**DIGEST:**

Questions concerning small business size status will not be considered by GAO since conclusive authority over such matters is vested by statute in the Small Business Administration.

Freedom Elevator Corporation protests the proposed award of a contract to Herk Elevator Company by the Department of the Army under Request for Quotations DABT35-83-Q-0195, a small business set-aside. Freedom Elevator contends that Herk does not meet the applicable small business size standard and that the matter is being considered by the Small Business Administration Size Appeals Board.

The General Accounting Office does not review questions relating to a bidder's small business size status because only the Small Business Administration (SBA) has the statutory authority to conclusively determine size status for the purpose of federal procurements. Doyle Shirt Manufacturing Corp., B-205959, January 11, 1982, 82-1 CPD 28. In other words, by law, the SBA determination is final on GAO also, so that we could not recommend that an agency find a small business bidder nonresponsive in the face of a COC, notwithstanding any independent conclusions we might reach in a given procurement. J. Baranello and Sons, 58 Comp. Gen. 509 (1979), 79-1 CPD 322. For this reason, Freedom will have to await the decision of the SBA Size Appeals Board.

The protest is dismissed.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel

026880